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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-eighth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[2 August 1996]

1. The International Federation of Human Rights (FIDH), and its affiliate in Turkey, the Human Rights Association (IHD), are extremely concerned by the massive and systematic violations of human rights in Turkey.

2. Despite the political commitments that Turkey has formulated before bodies of the European Union, and despite a few cosmetic reforms, the human rights situation in Turkey continues to deteriorate. Freedom of expression is still seriously limited by the Constitution itself and by many laws. Conditions of detention and the use of torture are particular areas of concern.

3. The Turkish Constitution of 7 November 1982, currently in force, was drawn up by the army, following the coup d'état of 12 September 1980. Although democratic in appearance, this Constitution does not establish a

democracy. According to its constitutional status, the National Security Council, a non-elected military body, has theoretically only consultative powers, but in point of fact, Parliament has never rejected any of its "advisory" decisions. Contrary to democracy's rationae, this means that the people's representatives depend on the military. On the question of freedoms, the Constitution of 1982 does contain some guarantees of respect for human rights, but they are accompanied by important reservations based on State protection and national unity. The citizens' freedom of expression, a sine qua non condition for democracy, is curtailed whenever it is used against the concept of unity and national uniformity, whenever it threatens "Turkishness" (arts. 2, 3, 26 and 28). Finally, the misuse of states of emergency and laws of exception constitute a serious obstacle to freedom of opinion and freedom of expression.

4. In Turkey, there are 152 laws whose sole purpose is to regulate freedom of opinion and freedom of expression. The laws on the media, based on the notion of crime against the State and of separatist propaganda, allow the seizure or banning of newspapers and the sentencing of journalists and editors to prison terms. The Penal Code lays down the death penalty for separatist propaganda (art. 125), attempts to overthrow the Government by violent means (art. 146), it provides prison terms from one to six years for affront to "Turkishness", to the Republic, etc. (art. 159), and up to three years' imprisonment for the destruction of the Turkish flag (art. 145). Hence, three members of HADEP (the pro-Kurdish party) were arrested last June, and stand accused of having burnt the national flag (Turkish Daily News of 26 June 1996).

5. Within the legislative arsenal restricting freedom of expression in Turkey, the provision most frequently used is article 8 of the "law to combat terrorism" (so-called "anti-terrorist law"), No. 3713 of 12 April 1991. Under international pressure, in particular exerted during the forty-seventh session of the Sub-Commission, the Grand National Assembly of Turkey, on 27 October 1995, amended article 8 of the anti-terrorist law, but only superficially: the sentence was reduced but the definition of the crime remained unchanged. Article 8 still prohibits written or oral propaganda, assemblies and demonstrations aimed at destroying the indivisibility of the Turkish Republic, territory or nation. The review of article 8 last October resulted only in the deletion of the phrase "whatever the means, intention or ideas may be" - a point which jurisprudence did not heed in any event - a reduction in the prison sentence (one to three years instead of two to five), and the possibility of commuting the sentence of imprisonment to a fine. The effect of these amendments is a purely superficial reform, given that the notion of the indivisible unity of the Republic is still invoked and interpreted very broadly by judges in all cases, closely or remotely related to the Kurdish question. The reform provides that people tried on the basis of the previous version of article 8 are eligible for retrial, but rarely are people released following a retrial: 5,500 others, prosecuted under article 8 of the anti-terrorist law, will most probably be reconvicted. Article 8, even as amended, still defines a political crime, and it is mainly on this charge that Turkish prisons continue to be filled.

6. The anti-terrorist law affects the whole of society: journalists (according to the 1995 annual report of the Commission for the Protection of Journalists (CPJ), Turkey is the most repressive of all countries towards the media, principally because of article 8 of the anti-terrorist law); publishers (e.g. Ayse Nur Zarkolu, director of the "Belge" publishing house, is currently being tried on several counts); authors (e.g. Yaser Kernal, given a 20-month suspended prison sentence on 7 March 1996 because of an article he wrote condemning the repression of the Kurdish minority); deputies (six Kurdish deputies are in prison); political parties (the labour party (EP) was banned in June 1996); trade unions; students; human rights activists, etc. Seventeen members of the IHD are being prosecuted on the basis of article 8 of the anti-terrorist law. They are accused of having published an article entitled "The sole solution is peace" in their bulletin, on the occasion of World Peace Day, 1 September 1995, and also, through the ideas contained in this article, of having disseminated separatist propaganda against the indivisible unity of the Turkish Republic. The indictment states that the authors' demand for political rights for the ethnic groups which form part of the Turkish nation is a crime. However, the incriminating article is no more than an appeal for peace and a call for an end to the war which has been waged for some years on Turkish territory against the Kurds whose rights are being disregarded.

7. The FIDH and the IHD call on the Turkish authorities to repeal article 8 of the anti-terrorist law without delay and in its entirety.

8. Concerning the six Kurdish deputies who have been sentenced to 10 years' imprisonment for separatist crimes (in the case of Leyla Zana, for having spoken in Kurdish in the Parliament, criticized the Turkish Government abroad, worn clothes in Kurdish colours, etc.), the FIDH and the IHD are concerned about their continuing detention and about the Turkish Government's silence, following a declaration by the United Nations Working Group on Arbitrary Detention, on the initiative of the FIDH, that these detentions are arbitrary. In its decision No. 40/1995 of 30 November 1995, the Working Group considered that the way in which the trial of the Kurdish deputies was conducted was a violation of international norms concerning a fair trial, in particular those concerning the right to defence and the principle of the independence of the judiciary (arts. 10 and 11 of the Universal Declaration of Human Rights and arts. 14, paras. 1 and 2 of the International Covenant on Civil and Political Rights).

9. The FIDH and the IHD are asking the Turkish Republic on the one hand to take into account the Working Group's decision and to release the Kurdish deputies (only two of them have been released, although all were convicted on the same ground) and, on the other hand, to sign and ratify the International Covenant on Civil and Political Rights, its two Optional Protocols, and the International Covenant on Economic, Social and Cultural Rights.

10. The regular renewal of the state of emergency in south-eastern Turkey is imposing on this region not a state of emergency, but a permanent regime of discrimination. In March 1996, the Turkish Parliament voted to extend the state of emergency in the 10 south-eastern provinces (Bitlis, Tunceli, Simak, Mardin, Van, Hakkari, Diyarbakir, Batman, Bingöl and Siirt).

11. Violence has steadily increased in the south-east of Turkey. Despite the disastrous failure of its military methods, the Government's answer to the Kurdish problem is still exclusively a military one. Thousands of villages have been evacuated and set on fire, and thousands of Kurds have been forced to move towards western Turkey or towards the big cities in the east of the country. The 15 million Kurds in Turkey, mostly gathered in the south-east, are thus, little by little, being scattered over the whole country.

12. The IHD balance-sheet for 1995 is alarming: 231 disappearances during detention, 122 extrajudicial executions, 321 killings by unknown assailants, 57 deaths in detention following torture, 1,412 cases of alleged torture, etc. These macabre figures continued to increase between January and May 1996: the IHD has catalogued 82 extrajudicial executions and deaths in prison following torture.

13. The Turkish police act with quasi-total impunity. According to the observer mandated by the FIDH, one of the few trials of this kind involving 19 policemen (accused of shooting and killing three members of the revolutionary left-wing organization Devrimci Sol in April 1992, instead of arresting them), offers no guarantees of impartiality and looks like a show trial. An increase in the number of killings by unknown assailants forced the Turkish Parliament to open a commission of inquiry on 9 February 1993. However, this commission's report could not be adopted by deputies because it implicated the Government.

14. Torture is practised systematically in Turkish prisons and police stations. Despite this established fact, confirmed by international bodies, the recommendations of the European Committee on the Prevention of Torture in 1992, and those of the United Nations Committee against Torture in 1993 have not been implemented by the Turkish authorities, notably giving every detainee an opportunity to consult a lawyer and reducing the maximum length of pre-trial detention.

15. The FIDH and the IHD call upon the Turkish Government to take all necessary steps to end the practice of torture in Turkey, in accordance with its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Turkey.

16. Conditions of detention in Turkey are appalling: overcrowded prisons, ill-treatment, torture, moving of detainees from one prison to another to make it difficult for a lawyer or the family to visit them or to justify postponing a hearing on the grounds that the accused was absent, etc. Prisoners went on hunger strike in August 1995 to try to get some improvements in prison conditions and, more recently, between May and 28 July 1996, when over 100 prisoners took part. Twelve of them died after more than 65 days on hunger strike.

17. Considering that flagrant and systematic violations of human rights in Turkey are a result first and foremost of Turkey's Constitution and laws, the International Federation of Human Rights and the Human Rights Association in Turkey call upon the Turkish authorities to undertake the constitutional

and legislative reforms necessary to bring Turkey's domestic law into line with the Universal Declaration of Human Rights and other international human rights instruments to which this State has subscribed.

18. Considering, not only the provisions of Turkey's domestic legislation but also the practices which ensue, the FIDH and IHD call upon the Sub-Commission to condemn the lack of any initiative - or only fictitious ones - by the Turkish authorities in this connection, and in particular persisting flagrant breaches of the right to the freedom of opinion and of expression, and request the Sub-Commission to recommend to the Commission the creation of a monitoring mechanism.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV)

[6 August 1996]

Following the training seminar "Croatia on the doorstep of Europe" for activists of human rights associations in Croatia on the use of international and regional instruments of human rights protection at a local level (Stubicke, Croatia, 5-7 July 1996) organized by the International Federation for Human Rights (FIDH) and the Civic Committee of Human Rights in Zagreb (FIDH member organization) with the support of the European Union and the Council of Europe, the participating organizations agreed on the following recommendations:

Preamble:

Concerned by the situation of human rights in Croatia and in particular by the discrepancy between the explicit guarantees in the Constitution and the law and their actual practice;

Recalling the decision by the Council of Europe's Committee of Ministers on 2 July 1996 providing for Croatia's accession to the Council of Europe in October 1996;

Recalling that Croatia does not respect its international obligations deserving from its status as a State and from the Dayton Agreements;

On the subject of Croatia's international commitments:

The participants, deploring that Croatia remains one of the few European countries not to have ratified the 1951 Geneva Convention relating to the Status of Refugees, urge the Croatian authorities to sign this Convention without delay;

The participants, noting the recent ratification by Croatia of the Additional Protocol to the International Covenant on Civil and Political Rights, recommend that the rights guaranteed therein and the new means of recourse granted to individuals be given maximum publicity;

The participants ask the Croatian authorities to lift their reservation on article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, in order to allow the exercise of individual recourse;

The participants request the Croatian authorities to cooperate fully with the United Nations, on the one hand by presenting their overdue reports to the treaty monitoring bodies as promptly as possible and, on the other hand, by implementing the recommendations recently adopted by these bodies, notably by the Committee against Torture (CAT/C/16/SR.254 (1996)), the Committee on the Elimination of Racial Discrimination (A/50/18, paras. 163-178 (1995)) and the Committee on the Rights of the Child (CRC/C/15/Add.52 (1996));

On Croatia's commitments made to the Council of Europe:

The participants insist on full compliance by the Croatian authorities of their commitments to the Council of Europe as they appear in Opinion No. 195 (1996) of the Parliamentary Assembly on Croatia's application to accede to the Council of Europe, as well as compliance with their later commitments made to the Committee of Ministers on 2 July 1996;

In this context, desirous of an early ratification of the European Convention on Human Rights, which would be an important step in strengthening the rule of law, participants ask the Croatian authorities immediately to adapt their national legislation to bring it into conformity with the European standards immediately;

On the emergency measures of exception adopted by Croatia:

The participants, recalling the content of article 134 of the Croatian Constitution establishing the primacy of Croatia's international commitments over domestic legislation, underline that, in pursuance of article 4 of the

International Covenant on Civil and Political Rights regarding situations of exceptional public danger, emergency measures can allow no derogation from the principle of non-discrimination;

The participants urge the Croatian authorities to repeal the emergency decree (31/12/91-29/04/92) promulgated by the President of the Republic;

On respect of the principle of non-discrimination:

The participants, noting that the equality of Croatian citizens before the law is not guaranteed, request the Croatian authorities to put an end to all forms of discrimination concerning the right to housing, the right of employment, the right to social protection and the right to obtain citizenship;

The participants ask the Croatian authorities to guarantee that the right of reprieve, provided by law, be applied without discrimination to all citizens of the Republic of Croatia for all infringements, except war crimes;

On the rights of refugees, displaced persons and minorities:

The participants request the Croatian authorities to repeal the law amending the law on refugees and displaced persons (Official Bulletin 39/95 - 9 June 1995) which is the source of intolerable discriminatory situations;

The participants request the Croatian authorities to take all legal and practical measures in order to effectively ensure the right of the displaced persons and refugees to return to their homes, whatever their nationality;

The participants request the Croatian authorities to repeal the law on the provisional "taking charge of certain goods" (Official Bulletin 73/95 - September 1995) which leads to arbitrary situations;

The participants insist on respect for the Constitution of the Republic of Croatia by the Croatian authorities, in particular the constitutional law on the rights of national and ethnic minorities;

On the administration of justice:

The participants note that decisions by the judicial authorities remain ineffective and delayed and that the systematic non-application of judicial decisions generates serious human rights violations;

The participants also note that the mechanisms and criteria for appointment of judges do not guarantee the independence of the judiciary;

The participants firmly condemn this malfunctioning of legal institutions and ask the authorities to put an end to it by taking all necessary measures, since this is a sine qua non condition for the existence of a genuine rule of law;

On access to citizenship:

The participants ask the Croatian authorities to bring an end to all de facto interference prohibiting nationals of the Republic of Croatia, whatever their nationality, from exercising their legal right to citizenship;

Joint actions:

The participants decide to promote all forms of cooperation among human rights organizations in Croatia, by means of the Civic Committee for Human Rights and the FIDH on the one hand, and by means of international and regional institutions, notably the Council of Europe, on the other, in order to monitor the implementation of the adopted recommendations, and more generally in order to contribute to the protection of fundamental rights such as freedom of the press, of opinion and of association;

The participants recommend the development of training programmes concerning the use of international and regional human rights instruments and domestic remedies at a local level;

The participants decide, to this end, to create a group of legal experts, in association with the FIDH;

The participants ask the FIDH to alert the Special Rapporteur on the former Yugoslavia, Ms. Elisabeth Rehn, to the dramatic situation of the Serb citizens detained after the "Operation Storm" in Krajina, who are still awaiting trial, and to express to the Croatian authorities their grave concern about this human rights violation;

The participants invite the international community to support efforts by all human rights organizations in Croatia and to inform the Croatian authorities in order to ensure a full and effective implementation of these recommendations.

7 July 1996

List of the participating Croatian associations: Civic Committee for Human Rights, Zagreb; Anti-War Campaign - Group for Direct Protection, Zagreb; Helsinki Committee of Croatia, Zagreb; Dalmatie Solidarity Committee; Dalmate Action; Serb Democratic Forum, Zagreb; Rights Centre of Croatia, Zagreb; Pula Committee for Human Rights; Anti Trauma Centre, Zagreb; Democrat Social Union, Zagreb; Committee for Human Rights, Karlovac; Centre for Peace and Non Violence, Osijek; Action of Social Democrats, Zagreb; Democratic Sabor of Istria; Arkzin (weekly). Date: Friday, 26 July 1996, 09:17:35-0400.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[2 August 1996]

1. The International Federation of Human Rights Leagues (FIDH) and its partner, the Civil Liberties Organization (CLO), are extremely concerned by the ever-worsening situation in Nigeria in terms of the systematic and flagrant abuse of human rights.

The political context

2. Since the annulment of the presidential elections in June 1993, Nigeria has remained in a state of military dictatorship. The conclusion of the work of the Constitutional Conference, first convened in 1994, was not the re-establishment of democracy but, as was widely feared, the announcement by the Head of State, General Sani Abacha, of a further transition programme.

According to General Abacha's announcement of 1 October 1995, this transition programme is to last three years, culminating in a return to civil and democratic rule.

3. Regardless of whether the transition programme will prove genuine or not, the people of Nigeria continue today to be deprived of their inalienable right to elect their own representatives. Chief, M.K.O. Abiola, who is generally considered to have won the annulled presidential elections of June 1993, remains in detention (since June 1994), charged with treason but without having been brought to trial.

Situation as to human rights abuses

4. Repression of opponents of the military Government. On 4 June 1996, Alhaja Kudirat Abiola, wife of Chief M.K.O. Abiola and a vocal opponent of the military Government, was murdered. Suspicions have been voiced that the murder was carried out by operatives of the State Security Service and within one week of the murder no less than 20 members of the Abiola family were arrested. The FIDH and the CLO wish to emphasize that this murder takes place within a larger context of every day violence directed against opponents of the regime. Although the Government denies any involvement in such events, the inability of the Nigerian authorities to identify and judge the perpetrators of violent attacks creates serious doubts as to their will to put into operation the democratic process.

5. It may also be noted that, in the run-up to the anniversary of the annulled election of 12 June 1993, various human rights activists were unlawfully detained, including two officials of the CLO, Nnimmo Bassey and Mahmood Aminu. Since that date, the CLO endures the hostility of the military authorities. Their offices in Lagos and in the provinces have been under surveillance, and their telephone and fax lines have been cut.

6. The Nigerian press is muzzled and constantly harassed by the military authorities. Administrative worries, arrests, physical threats, attempts on life, seizures, harassment of newspaper vendors, and the closing of press groups are aimed at depriving the Nigerian population of access to independent information.

7. In general, arbitrary arrest and detention remain an everyday occurrence. Critics of the military Government, human rights activists and others are subject to arrests, detention in military or police cells and prolonged incarceration awaiting trial. Another target has been those involved in the struggle for minority rights, such as the Ogonis. Many such detentions have been carried out under the State Security (Detention of persons) Decree No. 2 of 1990 (as amended) which allows the detention of persons considered to have been involved in acts prejudicial to State security. This Decree is in contradiction to article 9 of the International Covenant on Civil and Political Rights.

8. The workings of the judicial system continue to be severely hampered not only by inadequate funding and inordinate delays, but also by the military Government's predilection for special military tribunals (SMTs) and executive decrees that specifically exclude rights of appeal to the civil courts. The

SMT, established under Treason and Other Offences (Special Military) Decree No. 1 of 1986, has the power to try any person whether military or civilian. Of particular concern was the trial by an SMT of 43 civilian and military personnel accused of taking part in a coup plot in March 1995 (the existence of which is strongly doubted). The trials were carried out in secret with little if any regard to fundamental rights of defence and resulted in a series of convictions and sentences to death or life imprisonment. Although these sentences were subsequently commuted to 15 years' imprisonment, those convicted are now serving long terms in prison after trials in which basic rights were consistently denied.

9. The military Government has also made use of Civil Disturbances Special Tribunals, for example, for the trial of Ken Saro-Wiwa and eight others. Again, these tribunals operate to deny the most basic rights of accused persons and demonstrate the Government's determination to avoid using the civil courts. There is no right of appeal from the civil tribunal or the SMT. Also of concern is the growing application of the death penalty in civil criminal courts, for example in armed robbery cases, and the holding of mass public executions.

10. The systematic practice of torture and other forms of cruel, degrading and inhuman treatment is maintained and encouraged by the military Government, the police and the military. Torture is used extensively in police and military investigations and a huge range of methods have been devised. Torture is used as a means of extracting information but, no less deliberately, as a method of suppressing political activism. Inhuman treatment in prisons even seems to be actively encouraged as a means of discouraging further crime.

11. The growing number of extrajudicial killings committed by military or police officers is also a cause for great concern.

Minority rights and the environment

12. Populations who feel the impact of large-scale industrial projects are not consulted. These populations, which are generally poor and lack basic infrastructure, do not benefit from the industrial exploitation but suffer its disastrous consequences. Thus, many communities have opposed industrial projects or claimed the protection of their environment and compensation that would help them to develop. None the less, opponents undergo harassment and repression.

13. The Ogoni minority claims the protection of its environment, and ownership and control over the natural resources of Ogoniland. These demands and others (such as equitable federalism and political autonomy) have led to the violent repression Ogonis suffer today.

14. After the unfair and unlawful execution of Ken Saro-Wiwa and eight other Ogonis in November 1995, termed as such by the United Nations fact-finding mission that visited Nigeria in April 1996 (A/50/960), the policy of terror continues in Ogoniland. Any individual or collective manifestation to mourn the death of the nine Ogonis is repressed. The authorities are attempting to decimate the leadership of the Movement for the Survival of the Ogoni People

(MOSOP), and to put an end to this organization. All the persons likely to influence public opinion are under a permanent threat of arrest or violence. Massive arrests, torture and detention increased before the arrival of the United Nations fact-finding mission in April 1996. Many Ogoni people were then arrested and tortured, and released several weeks later, in May or June, after signing a document denouncing MOSOP.

15. Nineteen Ogonis, accused of being involved in the murders for which Ken Saro-Wiwa and eight other Ogonis have been executed, are awaiting trial: the same procedure is likely to be followed and the same witnesses to be heard. They too could be sentenced to death. This shows that the Nigerian Government is still ready to abuse the judicial system to reach its own goals.

Conclusion

16. The International Federation of Human Rights Leagues and its partner, the Civil Liberties Organization, request the Nigerian Government to accept the visits of the Special Rapporteurs on the independence of the judiciary and on arbitrary detention, appointed by the Commission on Human Rights at its fifty-second session, in its resolution 1996/79.

17. None the less, considering the severe and general violations of human rights suffered by the people of Nigeria, and which concern all aspects of life, the FIDH and the CLO vigorously call on the Sub-Commission to recommend that the Commission on Human Rights nominate at its fifty-third session a special rapporteur on the situation of human rights in Nigeria.

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Forty-eighth session
Agenda item 14

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Written statement submitted by the International Movement Against All Forms of Discrimination and Racism, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV)

[1 August 1996]

Situation of indigenous peoples in Latin America

1. The situation of indigenous peoples in Latin America continues to be of great concern. Most of them still live in dire poverty and their living conditions are described as "abysmal" in a recent World Bank report. The economic crisis shaking a number of Latin American countries has hit hardest the indigenous peoples, and environmental degradation is threatening the habitat and livelihoods of many indigenous communities.

2. The civil and political rights of those peoples are also under attack. Despite some favourable legislative efforts over the last few years, indigenous peoples' organizations and leaders have reported numerous cases of human rights violations and various repressive measures against them by Governments, local authorities, landowners, law-enforcement agencies, armed forces and paramilitary organizations. Indigenous communities have been caught up in the increasing violence between different organizations of drug-traffickers, political guerrillas and military units.

3. Recent legislation concerning indigenous peoples in some Latin American countries has opened the way for further participation of the indigenous in the civil and political life, but great resistance to changes at the local level has hampered the full enjoyment of their rights, particularly the right to land, in several countries. In Guatemala, although the national Government and the National Revolutionary Unit have signed a peace agreement covering indigenous rights, the situation is far from being normalized, and numerous human rights violations against the indigenous peoples are continuously taking place with impunity.

4. In south-eastern Mexico, negotiations between the federal Government and the Zapatista National Liberation Army have been going on since 1994, and it is encouraging that there has been no further open violence in this region between those two parties. Hopefully, these negotiations may soon lead to a satisfactory conclusion.

5. After long debate in the Working Group on Indigenous Populations, a draft declaration on the rights of indigenous peoples, approved by the Sub-Commission, should be adopted by its superior bodies as soon as possible, without changes. This is a document which reflects the principal concerns of indigenous peoples all over the world. It should take its place in the developing structure of international human rights law, and nothing in the declaration should be considered by States as inimical to their sovereignty or interests.

6. Likewise, it is important that the United Nations remains an open space for the discussion of the rights of indigenous peoples, particularly during the International Decade of the World's Indigenous People, and establishment of a permanent forum to analyse and consider those rights should be supported and given the highest priority.

7. In the field of indigenous rights, other significant international activities must be also noted and encouraged: Governments, which have not yet done so, should ratify ILO Convention No. 169. In the Americas, the Organization of American States should proceed as rapidly as possible to the adoption of an Inter-American declaration of indigenous peoples' rights, which cannot be anything less than what is already stated in ILO Convention No. 169 and the United Nations draft declaration. Moreover, the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean (1992), whose establishment might reflect the desire of the Governments concerned to favour their indigenous peoples, must be provided with the necessary resources by those Governments, without which its mandate could simply not be carried out responsibly.